

Air Pollution Claims and Occupational Asthma: an Update



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Outline

- ▶ What are the main pollutants?
- ▶ Health issues arising from pollutant exposure
- ▶ Diesel engine exhaust emissions (DEEEs)
- ▶ The inquest touching on the death of Ella Adoo Kissi Debrah
- ▶ Occupational asthma

Air pollution

- ▶ Particulate Matter
- ▶ Nitrogen Dioxide
- ▶ Sulphur Dioxide
- ▶ Ammonia
- ▶ Ozone
- ▶ Carbon Monoxide
- ▶ Non-Methane Volatile Organic Compounds

Air pollution: the scale of the problem

- ▶ Poor air quality is the largest environmental risk to public health in the UK.
- ▶ Between 28,000 and 36,000 people die as a result of air pollution every year in the UK.
- ▶ As the levels of air pollution increase, so does the harmful effect on lung function.
- ▶ Young children living in polluted areas have more coughs and wheezes.
- ▶ IARC has classified air pollution as a known cause of lung cancer.
- ▶ Air pollution is also linked in reduced cognitive function and the development of type 2 diabetes.

Diesel Engine Exhaust Emissions

"[T]here are potentially lots of people who have unnecessarily suffered premature death who may have been affected by industrial exposure. We are now with diesel in the same place we were with asbestos in the 1930s"

Dan Shears, National Health, Safety and Environment
Director, GMB

Diesel Engine Exhaust Emissions

- ▶ How do DEEEs cause illness?

- ▶ Soot particles
- ▶ Polycyclic aromatic hydrocarbons

- ▶ COSHH Regulation

- ▶ Regulation 6 – risk assessment
- ▶ Regulation 7 – preventing exposure / adequately controlling substances hazardous to health

Ella Adoo-Kissi-Debrah

- ▶ Lived 25 metres from the South Circular in Lewisham.
- ▶ Died in February 2013 after an asthmatic episode at home and subsequently suffered a cardiac arrest.
- ▶ 2014 inquest concluded that Ella died from acute respiratory failure caused by severe asthma.
- ▶ Following research by Professor Holgate and a campaign by Ella's mother, the 2014 inquest verdict was quashed.
- ▶ 2020 inquest ruled that air pollution was a contributory factor in Ella's death.

Occupational Asthma

- ▶ What is asthma?
 - ▶ Irritant-induced asthma
 - ▶ Allergic asthma
- ▶ Diagnosis and causation
- ▶ Quantum
 - ▶ Chapter 6(D) of the Judicial College Guidelines
 - ▶ *Oliver-Dallas v Palletways Holdings Ltd* (2018, HHJ Owen, Lincoln CC)